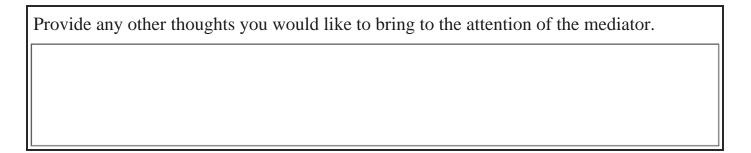
#### UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office Phone (415) 355-7900 Fax (415) 355-8566 http://www.ca9.uscourts.gov/mediation

# **MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s): 12-15498
District Court/Agency Case Number(s): 2:10-cv-02911
District Court/Agency Location: Eastern District of California (Sacramento)
Case Name: Enos v. Holder
If District Court, docket entry number(s) of order(s) appealed from:  Nos. 24, 63 (granting defendants' motion to dismiss)
Name of party/parties submitting this form: Federal appellees (Holder, Mueller, the United States)
Please briefly describe the dispute that gave rise to this lawsuit.
Plaintiffs-appellants seek a declaratory judgment voiding the bar on their possession of firearms imposed by 18 U.S.C. 922(g)(9), which prohibits the possession of firearms by persons who have been convicted of domestic violence misdemeanors.
Briefly describe the result below and the main issues on appeal.
The district court dismissed plaintiffs' claims that (1) Section 922(g)(9) may not constitutionally be applied to them (2) they qualify for an exception to Section 922(g)(9) because their state law firearm rights have been restored, and (3) they were not actually convicted of a misdemeanor crime of domestic violence because they did not knowingly and intelligently waive their right to a jury trial in the underlying state proceedings. Plaintiffs appeal the district court's final judgment dismissing this case "and all interlocutory orders that gave rise to the judgment."
Describe any proceedings remaining below or any related proceedings in other tribunals.
There are no remaining proceedings below and the government is not aware of any related proceedings in other tribunals.



Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at <u>ca09\_mediation@ca9.uscourts.gov</u>. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

### **CERTIFICATION OF COUNSEL**

I certify that:

a current service list with telephone and fax numbers and email addresses is attached  $\boxtimes$  (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list  $\boxtimes$  may result in sanctions, including dismissal of the appeal.

Signature /s Anisha S. Dasgupta

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for Federal appellees

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

### **CURRENT SERVICE LIST**

### Counsel for the plaintiffs:

Donald Kilmer Law Offices of Donald Kilmer, APC 1645 Willow St., Suite 150 San Jose, CA 95125

Tel: 408-264-8489 Fax: 408-264-8487

Don@DKLawOffice.com

## Counsel for the United States

Michael S. Raab Anisha S. Dasgupta Civil Division, Appellate Staff U.S. Department of Justice 950 Pennsylvania Ave N.W., Room 7533 Washington, D.C. 20530 Tel: 202-514-4053

Fax: 202-514-9405 michael.raab@usdoj.gov anisha.dasgupta@usdoj.gov